

BILL ANALYSIS

Senate Research Center
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S.B. 1055
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Health & Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

There are two national accreditation organizations, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and the Commission on Accreditation of Rehabilitation Facilities (CARF), that have joined with states to develop regulations and public-private partnerships that encompass and promote the private accreditation standards and practices of human service providers such as hospitals, nursing homes, and assisted living facilities.

Currently, JCAHO has entered into private accreditation partnerships with the Texas Health and Human Services Commission regarding hospitals and nursing homes, but has not given assisted living facilities private accreditation partnership status. As proposed, S.B. 1055 allows assisted living facilities to benefit from the same private accreditation practices on a voluntary basis.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Human Services, the following amendments affect the Department of Aging and Disability Services, as the successor agency to the Department of Human Services.]

SECTION 1. Amends Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.032, as follows:

Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION OR CERTIFICATION REQUIREMENTS. (a) Defines "accreditation commission."

(b) Requires the Department of Human Services (department) to accept an accreditation survey from an accreditation commission for an assisted living facility instead of an inspection under Section 247.023 (Issuance and Renewal of License), instead of an annual inspection or survey conducted under the authority of Section 247.027 (Inspections), and in satisfaction of the requirements for certification by the department for participation in the medical assistance program under Chapter 32 (Medical Assistance Program), Human Resources Code, and the Medicare program, but only if certain requirements are met.

(c) Requires the department to coordinate its licensing and certification activities with each of the accreditation commissions.

(d) Provides that this section does not limit the department in performing any power or duty under this chapter or inspection authorized by Section 247.027 or under any contract relating to the medical assistance program under Chapter 32, Human Resources Code, and Titles XVIII and XIX of the Social Security Act (42 U.S.C. Sections 1395 et seq. and 1396 et seq.), including authority to take appropriate action relating to an assisted living facility, such as suspending or revoking a license, investigating an allegation of abuse, exploitation, or neglect or another complaint, assessing an administrative penalty, or closing the facility, except as specifically provided by this section.

(e) Provides that this section does not require an assisted living facility to obtain accreditation from an accreditation commission.

SECTION 2. (a) Requires the Department of Aging and Disability Services, not later than October 1, 2005 to determine whether before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, and requires the agency affected by the provision to request the waiver or authorization. Authorizes the agency to delay implementing that provision until the waiver or authorization is granted.

(b) Requires that Department of Aging and Disability Services, not later than December 1, 2005, to report its progress under Subsection (a) of this section to the governor and to the presiding officer of each house of the legislature.

SECTION 3. Effective date: September 1, 2005.